

October 18, 2010 – Drainage Board Meeting – 10:30 A.M.- Newton Co. Govt. Center

Present were Board Members Chr. Russell Collins, Roxanna Hanford & James Pistello; Attys. Dan Blaney & Patrick Ryan; Surveyor Chris Knochel; County Engineer Larry Holderly; Secy. Mary Ann Applegate; Bldg. Commissioner Glenn Cain; Debra Honn; Dale Wiseman & Gary Coleman.

Meeting was called to order by Chr. Russell Collins.

Minutes – Oct. 4, 2010 - A motion to approve the minutes of the October 4, 2010 Drainage Board Meeting was made by Jim Pistello, second by Roxanna Hanford, motion carried.

Jim Pistello asked Mary Ann Applegate when her last day was before retirement to which she responded October 29th. Upon confirmation that this was her last Drainage Board Meeting, Russell along with the other board members, thanked Mary Ann for her 26 years of service, hard work and told her what big assistance she has been to the board. They wished her well and told her to “have fun”.

Bid letting – Haynes-Turner - Phase III - Russell opened the sealed proposal from E.W. Mattocks in the amount of \$25,631.00. Chris conveyed that 7 letters had been mailed asking for bids on this project, four had responded, however this was the only bid received. When asked what his estimated cost had been for the project, Chris responded \$50,094.00. Jim Pistello made the motion to accept the bid from E.W. Mattocks, second from Roxanna Hanford and motion carried.

Carlson Ditch - Chris stated that Dale Wiseman is present with questions regarding the installation of tile and the watershed boundary. Chris and Larry Holderly both had diagrams indicating the location of the ditch and watershed. The area in questions is Section 31, right at the section line between 31/32 on the south side of 550 S. The John R. Camblin Tile watershed dates back to 1894 and is inside the Carlson Ditch watershed – outlets into the Carlson Ditch – close to the head of the open ditch. Larry Holderly stated that according to his map handout dated 1955 the Protsman North 20 acres drained through tile and into the Carlson Ditch. Dale Wiseman owns acreage to the North, West and South of this. According to Larry, what has happened is that Vic Carlson has put in a bunch of tiles in the 40 acres so that the watershed has been increased. Dale’s concern is that someone has installed new tile that is draining into the Carlson watershed without checking with him first. It appears that a private tile running North is draining into the John R. Camblin regulated tile. Russell stated that therefore the watershed boundary has been moved. Dale stated: “a few years back”, he went to the county surveyor, which was not Chris Knochel – it was before him. Larry Holderly was here. He told me I had to go in front of the commissioners to get permission & all the landowners permission to make the change in watershed. Larry Holderly and the surveyor - I had everybody’s permission – Larry Holderly and the surveyor came out & it was cold in winter. They were a little reluctant, however Dale told them they could walk on the ice and knock a hole in the ice. Everything was a go. They said there was enough fall and cover to go into the ditch. “Well, the Carlson family stopped me”. Therefore Dale did nothing further at that time. Carlson’s have since bought the Protsman property so they decided on their own to reverse the watershed. Dale asked if the board has any stipulations to prevent someone from doing whatever they want whenever they want to do it. Russ said the water flow cannot be reversed or changed without coming to the board. Dan Blaney recommended to the board sending notice to everyone in the Carlson watershed and have them appear at the next meeting. Per research by Chris, in 1927 all of the Protsman property was included in the Carlson watershed, however in approximately 1955 there was a change and as of 1979, there definitely was only 20 acres that were paying into it. Dale stated that the other landowner did not do what Dale was told to do. Russ stated if the watershed boundary was changed, it should have come before the board and to the best of their knowledge, it did not. He therefore agreed to follow Dan’s recommendation. Roxanna made the recommendation and motion to hold a special meeting involving this along with the gathering of any and all evidence, meetings, discussions, plans, history and actions from the beginning of the watershed. She also stated it should have come before the board. Jim stated that the watershed could not be changed and Russ stated it had to come before the board. Dale stated that he did not get that far because he was faced with opposition and had no recourse. Jim made a second motion to have a special meeting in one month and requested that Chris, the Drainage Board Secretary and Larry look into the background, previous minutes and find out exactly where it goes. Motion carried.

* Reference audio tape for more detailed information.*

Denham Subdivision - Mr. Gary Coleman claims that he had permit to do work and gave us a permit number, however we cannot find a record of it per Chris. Mr. Coleman stated he only had a permit for moving in the mobile home. Roxanna asked if he had permit to close the ditch and Gary stated he didn’t close anything. He stated he was told in the beginning that it was an illegal ditch and he could do whatever he wanted. Per Roxanna, we need minutes from that meeting. There was an existing pad, however no mobile home was on the property at the time of purchase. The mobile home was placed as the county wanted it per Mr. Coleman. At the time, the pad was on the east side of the ditch and there was only a garage on the property. The property had ribbons and the pads (runners) were running east and west. Mr. Coleman buried and dug the pipe by hand. Jim wanted to know if there was anything else back there. No, it was only straight pipe. Per Jim, when checked, there was a big difference in the flow of water from the front of the trailer to the back of the trailer. In the front, the water was not flowing according to Roxanna and it was stale, whereas in the back, it was flowing/running. Chris had produced a handout showing the property and culverts and reductions. Chris states that the Coleman inlets are 3” higher than the outlet under the road which is allowing a buildup of sediment on the roadside culvert. It was holding back 10% of capacity with the way Mr. Coleman had designed this. Only problem is with reduction of flow in box as he designed it. There is nothing else under the house and no other connections. Jim asked if everything would be O.K. if the box was redesigned. Jim understood Chris to say that the next thing to do would be to shoot elevation where it drains under the county road. Chris says there is also a problem with accessibility where the trailer is sitting. Roxanna stated perhaps the dropping of 3” falls on Mr. Coleman and the rest is on us since it is flowing fine on the North side. Per Jim, as a county, we have not done anything to which Chris said this is not an issue. However if it is not meeting height requirements, then it is an issue per Jim. Roxanna questioned Gary about being told it was an illegal drain to which he responded that he was told it was an illegal drain and that the ditches were dug illegally. Jim stated that someone somewhere told Gary wrong and that it is a legal drain and that it was platted to go through that property. Chris mentioned that in Maplebrook it is platted, however is not platted in Birch Tree as it quits at Birch Tree Estates Subdivision. Roxanna stated that the board has looked at many options and they are all going to be very expensive and the other thing is that the rest of the people in the subdivision don’t want to pay for fixing the problem. Russ asked Chris to get the depth of the culvert. Chris responded that he could however there was still the matter of the obstruction. Jim stated that they needed to get the depth of the tile under the road so that we can see where to go – what the report is from Chris and Larry. Roxanna stated that on 3 separate occasions, homes were flooded. Russ also stated that they need to see the report and motioned that a special meeting be held at the same time as the special Wiseman meeting. Jim seconds the motion. This will be held in one month at the Newton County Government Center, during evening hours so that Mr. Coleman does not have to miss a day of work. Motion carried. * Reference audio tape for more detailed information.*

Maplebrook Terrace—Per Chris, Nipsco utilities has placed poles in an exclusive drainage easement therefore it sounds like they will have to be challenged on their pole placement. Dan Blaney stated he knows someone at Nipsco so he will contact her to check on this situation.

NN Woods Lateral - Chris stated this is a regulated drain. There is already an equalizer ditch between Hibler & Otis Boyle that we can use for E Makeever Dr. in NN Woods. Both West & East Makeever can be drained through a regulated drain. We just need elevations to check drainage for streets.

Oakwood Acres - Hunter Property - In regard to the Oakwood Acres trees, etc. since

Heather is not present and the Hunter's are not here, Russ made the motion to table this until the next meeting. Roxanna agreed unless prior agreement was reached. Chris said she was to remove her fence and certain number of trees. Jim made a second motion to table this. Motion carried.

Other Matters – Chris stated that the rates had been reduced for the chemical spraying since there was an inability to complete the project by the deadline date and not all areas had been sprayed. Maryanne reminded the board that the O'Brian Extension Hearing was scheduled for November 1st and that 3 different landowners & 4 parcels are being added to the current watershed. Letters have been sent.

Roxanna motioned that the meeting be adjourned and all others in favor. Motion carried.